



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

November 17, 2004

David Terry, Director  
Drinking Water Program  
Mass DEP  
One Winter Street  
Boston, MA 02108

**Re: Capacity Development Implementation Reports**

Dear Mr. Terry:

We are writing to acknowledge receipt of the Massachusetts' Capacity Development Report for State Fiscal Year 2004. As you know, the Safe Drinking Water Act (SDWA) requires EPA to make an annual DWSRF withholding decision based on the status of a state's program as of October 1<sup>st</sup> of each year (§1452(a)(1)(G)(i) relating to the New System Program and §1420 (c) relating to Existing System Capacity Development Strategy). The July, 1998 Guidance on Implementing the Capacity Development Provisions of the SDWA Amendments of 1996 give more specific details regarding the reporting requirements tied to withholding of DWSRF funds.

We are pleased to inform you that Massachusetts has submitted the required reporting and fulfilled the requirements set forth in the SDWA. Subsequently, no recommendation for withholding of FY-05 DWSRF funds is necessary. To assist you with the planning of future reports, the table below summarizes ongoing annual reporting and other scheduled reporting necessary to avoid DWSRF withholding. Please note that both a **Report to the Governor** as well as an **annual implementation report** is due on or before **September 30, 2005**.

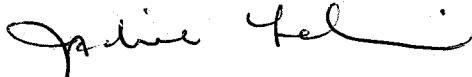
Annual Capacity Strategy Implementation Reports (New System and Existing Systems)	Annual Operator Certification Reports	Historical SNC Reports (due August 6 <sup>th</sup> every 3 years)	Governor Reports (due September 30 <sup>th</sup> every 3 years)
Due September 30 <sup>th</sup> of each year	Due July 1 <sup>st</sup> of each year	Next due 8/6/06	Next due 9/30/05

We found your report to be very informative and summarized clearly the effort put forth by state capacity staff. Activities deserving particular notice include the incorporation of capacity elements into the sanitary survey and the use of enforceable timelines for implementing recommendations made during the survey; the measurable improvements in the percentage of certified operators as a result of training and outreach under the capacity strategy; the

development of financial and managerial guidance for water systems; and the ongoing partnership and financial support of the Massachusetts Coalition for Small System Assistance. We commend you and your staff for the efforts made to further public health protection using the capacity development program. A copy of this letter will be permanently maintained in our grant files to serve as record that the State has fulfilled its obligation relative to the reporting requirements of the capacity development programs.

Should you have any questions regarding this letter or any of the required reporting, please contact me at 617-918-1549, or Mark Sceery at 617-918-1559.

Sincerely,



Jacqueline G. LeClair  
Acting Manager, Municipal Assistance Unit

cc: Mark Sceery, CCT  
Karen McGuire, EPA  
Anthony DePalma, EPA  
Kevin Reilly, CMA  
Michael Maynard, MA DEP  
DWSRF grant file